

REMARKS

1.0 Summary: By this amendment, withdrawn claims 8-20 are canceled, claims 2 and 7 are amended to become independent and to include the limitations of claim 1, and arguments are made for the patentability of claims 1 and 21.

2.0 Cancellation Of Withdrawn Claims/Amendment of Title: Consistent with the election of claims 1-7 and 21, claims 8-20 have been canceled without prejudice to presenting those claims in a Divisional application. Similarly, the Title has been amended consistent with the subject matter of the pending claims.

3.0 Claims Objected To: Appreciation is expressed for the indication in Paragraph 7 of allowable subject matter in claims 2-7. In response, claims 2 and 7 are now presented as independent claims, including all limitations of parent claim 1. Allowance of claims 2-7 is respectfully requested.

4.0 Response To Rejection of Claims 1 and 21 Based on Chauvin et al. ("Chauvin"): Claims 1 and 21 were rejected under 35 USC 102 (b) based on Chauvin. The rejection recited the text of the claims as being shown by Chauvin.

Reconsideration of this rejection is respectfully requested because Chauvin fails to show every element and every relationship of the elements as claimed.

Chauvin was cited as having a common actuator connected to first and second doors. It is respectfully submitted that each of these doors has a separate actuator, and that Chauvin shows no claimed common actuator for the two doors. In detail, reference is made to FIGs. 4 and 5, which are the only FIGs. which show two doors (or valves). C2 and C3 describe FIG. 4 as showing the two doors in the form of upper and lower valves 27 and 28. Each of these valves 27 and 28 slides in a separate slot under the separate action of respective separate rods. A separate rod 43 is for the upper valve 27, and a separate rod 53 is for the lower valve 28. Moreover, the separate rod 43 rotates separately from the separate rod 53 to separately control applying the grooved cover 31 of the upper valve 27 to its upper portion 29 (FIG. 5).

Rather than teaching use of the same (common) actuator, Chauvin states that the "lower valve 28 is identical with the upper valve 27" (C3, L83-85). Thus, the respective separate rod 53 separately controls the applying of the grooved cover 50 of the lower valve 28 to its lower portion.

It is respectfully submitted that this teaching of Chauvin is

- (1) not only not a teaching of a common actuator, as claimed, but is
- (2) a teaching away from a common actuator, in that the separate rods 43 and 53 represent non-common actuators, that is, each of the separate grooved covers 31 and 50 of the two separate valves 27 and 28 is separately controlled by the separate respective rod 43 and 53.

Accordingly, it is respectfully submitted that Chauvin does not anticipate claims 1 and 21 because each and every claimed element of these claims is not shown by the reference. Further, it is submitted that under 35 USC 103, it would not have been obvious in view of Chauvin to provide the claimed common actuator because Chauvin teaches one to have a separate, not common, actuator for each of the two valves, which is a teaching away from the claimed common actuator. Withdrawal of the rejection of claims 1 and 21 based on Chauvin is therefore respectfully requested.

5.0 Response To Rejection of Claims 1 and 21 Based on Ettinger et al ("Ettinger"): Claims 1 and 21 were rejected under 35 USC 102 (e) based on Ettinger. The rejection recited the text of the claims as being shown by Ettinger.

Reconsideration of this rejection is respectfully requested because Ettinger fails to show every element and every relationship of the elements as claimed.

Ettinger was cited as having a common actuator connected to first and second doors for selectively and separately moving either of the first and second doors to close the respective slot.

It is respectfully submitted that in the FIG. 1-6 embodiment of Ettinger, the movement of the doors is not separate and selective because both plates 36A and 36B (doors) move at the same time to close or open the two valves. In detail, in FIG. 3 Ettinger shows an expandable chamber 80 that acts on both doors 36A and 36B at the same time to simultaneously move both doors to close the valves. Similarly, the doors are biased to simultaneously move both doors to open the valves. Thus, the FIG. 1-6 embodiment fails to meet all the terms of Claims 1 and 21.

Further, in the FIG. 7 embodiment of Ettinger, there is only the one plate 36B' such that there is only one door, not the two doors, as claimed. Thus, the FIG. 7 embodiment fails to meet all the terms of Claims 1 and 21.

Still further, in the Ettinger FIGs. 8-19 embodiment, there is no common up-down motion actuator. Rather; each separate actuator 308A and 308B (lift) and 309A and 309B (rotate) is expressly not common. For example, see C9, L60-63, at which it is stated that the

described FIGs. 8-19 implementations “allow passageways in adjacent chambers to be sealed independently of one another.” Consistent with such disclosed independent sealing action, the FIG. 9 rotation drive is in two separate parts, one 309A for one door (valve) and another separate rotation drive 309B for the other door, to separately operate the valves. Also, in this FIGs. 8-19 embodiment, the two actuators for door movement up and down are not via a common drive because the two up/down drives 308A and 308B are separate, not common, and are actuated at separate times to position the separate plates (doors) to separately close or open the respective valves.

Accordingly, it is respectfully submitted that Ettinger does not anticipate claims 1 and 21 because each and every claimed element of these claims is not shown by the reference. Further, it is submitted that under 35 USC 103, it would not have been obvious in view of Ettinger to provide the claimed common actuator because Ettinger teaches one to have separate, not common, actuators, for each of the two valves, which is a teaching away from the claimed common actuator. Withdrawal of the rejection of claims 1 and 21 based on Ettinger is therefore respectfully requested.

6.0 Response To Rejection of Claims 1 and 21 Based on Kroeker et al (“Kroeker”): Claims 1 and 21 were rejected under 35 USC 102 (e) based on Kroeker. The rejection recited the text of the claims as being shown by Kroeker.

Reconsideration of this rejection is respectfully requested because Kroeker fails to show every element and every relationship of the elements as claimed.

The rejection asserted that Kroeker discloses a dual slot valve in which a common actuator is connected to each of first and second doors for selectively and separately moving either of the first and second doors to close the respective slot.

It is respectfully submitted that the Kroeker disclosure clearly indicates that there are two actuators, one for each of the two doors 222-1 and 222-2 (C6, L12-16). The actuator 232-1 is only for moving the door 222-1 (C6, L15-16), and the actuator 232-2 is only for moving the door 222-2 (C6, L18-20). This disclosure of separate, not common, actuators is emphasized at C10, L47+ in terms of “separate valve actuators” (L57). In view of this disclosure of Kroeker, it is respectfully submitted that the Kroeker actuators are not “common” as claimed, because each of the actuators 232 is separately provided for each of the two doors 222.

It is respectfully submitted that this teaching of Kroeker is

(1) not only not a teaching of a common actuator, as claimed, but is

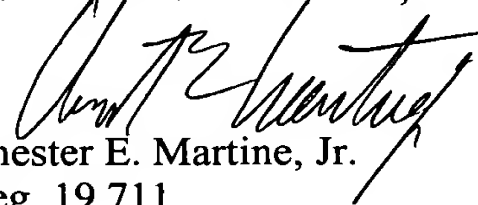
(2) a teaching away from a common actuator, in that the separate actuators 232-1 and 232-2 each represent a non-common actuator, that is, each of the separate doors 222-1 and 222-2 the two separate valves is separately controlled by the separate respective actuators 232-1 and 232-2.

Accordingly, it is respectfully submitted that Kroeker does not anticipate claims 1 and 21 because each and every claimed element of these claims is not shown by the reference. Further, it is submitted that under 35 USC 103, it would not have been obvious in view of Kroeker to provide the claimed common actuator because Kroeker teaches one to have a separate, not common, actuator, for each of the two valves, which is a teaching away from the claimed common actuator. Withdrawal of the rejection of claims 1 and 21 based on Kroeker is therefore respectfully requested.

7.0 Discussion of Conclusion: In the Action, Reimpell 4,328,947 and Norman 4,157,169 were cited of record and were not relied on, but were considered "pertinent to applicant's disclosure". In not specifically applying Reimpell to claims 1 and 21, it appears that the rejection was drafted in view of the simultaneous operation of the roller actuators 38-38, for example, which are shown in FIG. 3, for example, simultaneously moving both valve plates 17 (doors) to simultaneously close both of the opening 24 (FIG. 1). Further, in not specifically applying Norman to claims 1 and 21, it appears that the rejection was drafted in view of the actuator in both of the Norman embodiments moving the two valves (gates 38 and 40) at the same time. As a result, in each of Reimpell and Norman there is no claimed selective and separate moving of either of the first and second doors to close the respective slot.

In view of these remarks, allowance of the pending claims is believed to be in order, which action is respectfully requested.

Respectfully submitted,
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